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18 SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

23 | ORACLE USA, INC., et al.,

Case No. 07-CV-1658 PJH (EDL)

24 Plaintiffs,

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
COMPLY WITH PORTIONS OF PRE-  
TRIAL ORDER REGARDING  
EXCHANGE OF EXHIBITS**

25

26 || SAP AG, et al..

## Defendants.

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1 Pursuant to Civil Local Rule 6-3, Plaintiffs Oracle USA, Inc., Oracle International  
 2 Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. and Defendants SAP AG, SAP  
 3 America, Inc., and TomorrowNow, Inc. (together with Plaintiffs, the “Parties”), hereby submit  
 4 this agreed-upon stipulation to extend time for the Parties to comply with the Court’s June 11,  
 5 2009 Stipulated Revised Case Management and Pre-Trial Order (“June 11, 2009 Order”) and July  
 6 21, 2010 Stipulation and Order to Extend Time to Comply with Portions of Pretrial Order  
 7 Regarding Under Seal Requests and Pre-Marked Exhibits (“July 21, 2010 Order”) to exchange  
 8 pre-marked exhibits.

9 The June 11, 2009 Order set August 5, 2010 as the deadline for the parties to exchange  
 10 pre-marked exhibits. The July 21, 2010 Order extended the deadline to exchange pre-marked  
 11 exhibits to August 10, 2010.

12 The Parties jointly request that the Court grant a 6 calendar-day extension of the deadline  
 13 to exchange pre-marked exhibits to August 16, 2010. As the Parties continue to work towards  
 14 focusing the issues that will be in dispute at trial and in light of the volume of exhibits to be  
 15 exchanged, the Parties believe that this extension of time is necessary to allow the Parties  
 16 adequate time to process and pre-mark exhibits disclosed on August 5, 2010 in accordance with  
 17 the Court’s June 11, 2009 Order. Additionally, because the Parties have designated as potential  
 18 trial exhibits various physical media that would be burdensome to exchange prior to trial, the  
 19 Parties hereby agree to exchange placeholders, in the form of slip-sheets, in place of physical  
 20 media when pre-marked exhibits are exchanged on August 16.

21 This requested extension does not impact any other portion of the current case schedule,  
 22 including the current November 1, 2010 trial date. The only purpose of this requested extension  
 23 is to extend the deadlines noted above, and thus this requested extension shall not in any way  
 24 affect any other rights or obligations of the Parties.

25  
 26  
 27  
 28

1 DATED: August 9, 2010

JONES DAY

3 By: /s/ Tharan Gregory Lanier

4 Tharan Gregory Lanier  
5 Attorneys for Defendants  
6 SAP AG, SAP America, Inc., and  
7 TomorrowNow, Inc.

8 In accordance with General Order No. 45, Rule X, the above signatory attests that  
9 concurrence in the filing of this document has been obtained from the signatory below.

10 DATED: August 9, 2010

BINGHAM McCUTCHEN LLP

12 By: /s/ Geoff Howard

13 Geoff Howard  
14 Attorneys for Plaintiffs  
15 Oracle USA, Inc., Oracle International  
16 Corporation, Oracle EMEA Limited, and  
17 Siebel Systems, Inc.

18 **IT IS SO ORDERED.**

20 DATED: August 10 2010

